101ST CONGRESS
1st Session
HOUSE OF REPRESENTATIVES
REPORT
101-31

FEDERAL MARITIME COMMISSION AUTHORIZATION, FISCAL 1990

APRIL 25, 1989.—Ordered to be printed

Mr. JONES of North Carolina, from the Committee on Merchant Marine and Fisheries, submitted the following

REPORT

[To accompany H.R. 840]

[Including cost estimate of the Congressional Budget Office]

The Committee on Merchant Marine and Fisheries, to whom was referred the bill (H.R. 840) to authorize appropriations for fiscal year 1990 for the Federal Maritime Commission, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert the following:

SECTION 1. In fiscal year 1990, $16,350,000 is authorized to be appropriated for the use of the Federal Maritime Commission.

SEC. 2. (a) The Federal Maritime Commission shall require that complete and updated electronic copies of the Automated Tariff Filing and Information data base are made available (in bulk) in a timely and nondiscriminatory fashion, and the Commission shall assess reasonable fees for this service consistent with Section 552 of Title 5, United States Code.

(b) The Commission shall impose reasonable controls on the system to limit remote access usage by any one person.

(c) The Commission shall provide that any information from the Automated Tariff Filing and Information System that is made available to the public may be used, resold, or disseminated by any person without restriction and without payment of additional fees or royalties.

SEC. 3. The first paragraph of section 2 of the Intercoastal Shipping Act, 1933 (46 App. U.S.C. 844) is amended—

(1) by inserting in the third sentence after "on board each vessel" the words "that carries passengers";

(2) by striking in the seventh sentence ", if filed as permitted by this section and framed under glass and posted in a conspicuous place on board each vessel where they may be seen by passengers and others at all times,"; and

(3) by striking in the seventh sentence "on board each vessel" the second time it appears.

Amend the title so as to read:

H563-1

To authorize appropriations for fiscal year 1990 for the Federal Maritime Commission, and for other purposes.

Purpose of the Bill

The purpose of this bill is to authorize appropriations for the Federal Maritime Commission, an independent agency, for fiscal year 1990. The bill provides the FMC with the means to carry out its regulatory responsibilities to enforce various shipping statutes affecting ocean commerce.

Background and Need for the Legislation

On February 9, 1989, the Merchant Marine Subcommittee of the Committee on Merchant Marine and Fisheries conducted a hearing on H.R. 840 relating to authorizations for the Federal Maritime Commission for fiscal year 1990.

The Subcommittee received the FMC's views via budget documents and the Commission Chairman's testimony at the February 9, 1989 hearing. All funding levels requested by the Administration for FY 1990 and related legislative proposals were available during the hearing and markup sessions.

H.R. 840 was introduced on February 6, 1989 by the Honorable Walter B. Jones of North Carolina, Robert W. Davis of Michigan, and Norman F. Lent. The Honorable Carroll Hubbard, Jr. was added as a cosponsor on February 22, 1989. As introduced, H.R. 840 authorizes the appropriation of $16,350,000 for FMC operations for fiscal year 1990.

H.R. 840, as reported by the Committee on Merchant Marine and Fisheries on April 18, 1989, authorizes the appropriation of $16,350,000 for the FMC.

The Federal Maritime Commission is an independent regulatory agency that administers the Shipping Act, 1916; the Merchant Marine Act, 1920; the Intercoastal Shipping Act, 1933; the Shipping Act of 1984; the Foreign Shipping Practices Act of 1988; and related shipping statutes. The Commission's major responsibilities include: the review of tariff filings and service contracts; investigation and penalization of unjustly discriminatory rates or practices among shippers, carriers, and terminal operators operating in the U.S. ocean commerce; licensing of independent ocean freight forwarders; passenger vessel certification; and countering the actions of foreign carriers or governments that create unfavorable conditions in U.S. foreign ocean trades. In fiscal year 1988, the Commission concluded approximately 40 formal proceedings, 90 special docket applications, and 19 informal dockets.

The Commission continues to work on establishing an Automated Tariff Filing and Information (ATFI) system to facilitate the receipt, retrieval, and publication of tariffs. It has been assisted by the ATFI Advisory Committee, made up of shippers, carriers, terminal operators, and other interested parties who might be affected by tariff automation. It has also provided a number of studies and reports for industry guidance. These include the Preliminary Assessment of the Feasibility of Tariff Automation, June 1986; Comprehensive Study of the Feasibility of an Automated Tariff System,

October 1986; and Report on Tariff Information Inquiry, April 1988.

At the present time, the Commission has forwarded a Benefit-Cost Analysis to the Office of Management and Budget, acquired procurement authority from the General Services Administration, issued a draft Request for Proposals, conducted a presolicitation conference, and purchased Automatic Data Processing equipment and a local area network for the ATFI.

The Commission continues its enforcement and monitoring action to ensure that all participants in the U.S. foreign commerce are treated equally. It also has held seminars throughout the country to assess the workings of the Shipping Act of 1984 by collecting and analyzing information concerning the impact of this Act upon the ocean shipping industry. These efforts are in preparation for procedures in accordance with Section 18 of the Act.

Committee Action

The Subcommittee on Merchant Marine held a hearing on February 9, 1989. Testimony was received by Chairman Elaine Chao of the Federal Maritime Commission, Mr. James Rendeiro of the National Customs Brokers and Forwarders Association of America, Mr. Kenneth B. Allen of the Information Industry Association, and Mr. Robert Ryan of DXI, Inc. Statements and letters were received for inclusion in the record from the American Association of Port Authorities, Association of Research Libraries, Bell Atlantic, the Council of European and Japanese National Shipowners' Associations, International Association of Non-Vessel Operating Common Carriers, Joint Maritime Congress, Matson Navigation Company, National Customs Brokers and Forwarders Association of America, National Industrial Traffic League, Pacific Coast Council of Customs Brokers and Freight Forwarders Association, Planning Research Corporation, Shippers for Competitive Ocean Transportation, and United Shipowners of America.

On April 11, 1989, the Subcommittee on Merchant Marine met in markup session to consider H.R. 840. One amendment was offered by Chairman Jones, and was adopted by unanimous voice vote. The amendment required the FMC to make copies of the data base (in bulk) available in a timely and nondiscriminatory fashion, and to impose reasonable controls of the ATFI system. The Subcommittee then, by unanimous voice vote, reported H.R. 840, as amended, to the Full Committee for further action.

On April 18, 1989, the Committee on Merchant Marine and Fisheries met in markup session to consider H.R. 840, as amended by the Subcommittee on Merchant Marine. Chairman Jones added an amendment which clarified his amendment adopted at the Subcommittee, and further provided that information obtained from the ATFI system can be used, resold, or disseminated by any person without restriction or payment of additional fees or royalties.

Representative Shumway offered an amendment which eliminated the requirement that bills of lading and contracts of affreightment be framed under glass aboard vessels.

Both amendments were adopted by unanimous voice vote. The Committee then agreed to a motion offered by Chairman Jones to

strike all after the enacting clause and substitute the text of the bill as amended to that point. The Committee, by unanimous consent voice vote, ordered H.R. 840, as amended, reported to the House for further action.

Section-by-Section Analysis

Section 1

H.R. 840 is the FY 1990 annual authorization for the Federal Maritime Commission. It is identical to the President's budget request of $16,350,000 and is an increase of $2,765,000 over the appropriation for FY 1989. This increase includes:

(1) an additional $1.9 million for the development of an automated tariff filing system;

(2) $135,000 for six additional workyears;

(3) $320,000 for promotions, overtime, and incentive awards;

(4) $160,000 for the proposed two percent pay raise for calendar year 1990;

(5) $69,000 for personnel benefits (FERS, etc.);

(6) $25,000 for additional travel expenses; and

(7) $141,000 for expenses related to the Shipping Act of 1984 Study.

Section 2

Concern has been expressed over the use and accessibility of the ATFI system by all interested parties. In particular, the remote retrieval function will permit the public to dial into the system (by modem) and obtain a particular carrier's rates on a requested commodity in a given trade. Although this feature has proven to be controversial, the FMC has decided to proceed with implementation after reviewing comments from government agencies and departments, congressional lawmakers, shippers, liner conferences and carriers, freight forwarders, and information industry firms.

The Commission has stated that the system will contain the following features:

(1) a mainframe environment with a data base system, using Electornic Data Interchange Association standards;

(2) a phased implementation scheme with temporary exemptions granted to firms which may find it difficult to convert to the electronic system;

(3) user training over the life of the contract;

(4) compatibility or connectibility with existing equipment to the extent possible;

(5) elaborate security features to protect sensitive information; and

(6) both batch and interactive filing of tariff materials with edit checks to ensure compliance with the law and regulations.

The Committee understands that the details of the system have not been developed. In hiring a contractor, the Commission is charged with outlining its own requirements in conjunction with statutory mandates. As the system is developed and implemented, the Commission should carefully consider the distinction between its role as an information source and an information provider. To

this end, the Commission should endeavor not to be in competition with private information services.

In addition, the Commission, in establishing the ATFI system, should take all appropriate steps to ensure that the private contractor is precluded from gaining an unfair advantage over other private companies in the provision of value-added services. As stated in the report accompanying H.R. 4200, the authorization of appropriations for fiscal year 1989 (House Report 100–738, dated 28 June 1988), this goal may be accomplished by prohibiting the contractor from providing the services altogether or by ensuring that all data are made available to private companies at the same time.

Availability of Data Base

Under Section 2(a), the contractor selected by the Federal Maritime Commission to create and implement the ATFI system is required to make electronic copies of the data base (in bulk) available in a timely and nondiscriminatory fashion to all interested persons. The Commission shall assess a reasonable fee, consistent with section 552 of Title 5, United States Code, to provide this data base to any interested person.

Reasonable Controls on Access Usage

Section 2(b) requires the FMC to implement the limited access features indicated by Chairman Elaine Chao at the Subcommittee on Merchant Marine hearing on February 9, 1989.

At the present time, no precise definition of "reasonable controls" in the limiting of access can be offered because the system has yet to be developed or implemented. However, the following non-exclusive possibilities are reasonable. First, members of the public could be limited to retrieving one tariff at a time in its full format, and the user would have to specify the specific tariff of the particular carrier that is desired. In the alternative, specific limitations on access time could be imposed, and automatic log-off would then occur. Either limitation, or a combination of both, could satisfy the requirement discussed herein. The Committee does not consider Chairman Chao's suggestion of limiting access to "one tariff line" as anything more than an illustration. The Committee does not view its concern as inimical to the general concern that publicly-gathered data be generally available to the using public.

The Committee is advised that the ATFI system will be implemented in five phases over a two-year period, and that creative development of the system will be completed after Phase Three. It would be helpful if the Commission could, at the completion of Phase Three, inform this Committee of the specific features included in the system that are designed to address the "reasonable controls" issue.

Subsequent Use of Information Obtained from ATFI

The information released through the ATFI system is public, uncopyrighted data. The Committee intends that any information from the ATFI system made available to the public may be used, resold, or disseminated by any person without restriction and without payment of additional fees or royalties. The purpose is to make certain that there will be a fair and competitive secondary market

for basic ATFI information. Any person who chooses to offer enhanced information services using ATFI data may do so without regulation by the Commission.

Section 3

Section 3 eliminates a meaningless and outdated requirement of the Intercoastal Shipping Act, 1933, that bills of lading and contracts of affreightment be framed under glass aboard vessels. The requirement applied to all carriers because, historically, most, if not all, liner operators carried both freight and passengers, and "price list" availability was considered appropriate to the needs of the travelling public. The amendment ends the posting requirements only for non-passenger vessels.

Inflationary Impact Statement

Pursuant to clause 2(l)(4) of Rule XI of the Rules of House of Representatives, the Committee has assessed the potential for inflationary impact and has concluded that the bill has little, if any inflationary impact. The enactment of the bill will provide support for programs that promote and protect the American merchant marine. The dollar value return to the American economy should provide nationwide economic benefits far in excess of the proposed expenditures. Therefore, it is the judgment of the Committee that the inflationary impact of this legislation as a component of the total Federal budget is substantially outweighed by its positive impact upon economic recovery and stability.

Cost of the Legislation

Pursuant to clause 7 of Rule XIII of the Rules of the House of Representatives, the Committee estimates the total cost of this legislation is $16,350,000. The Committee has not received a different cost estimate from any affected Executive Department or agency.

Compliance With House Rule XI

With respect to the requirements of clause 2(l)(3) of Rule XI of the Rules of the House of Representatives—

(A) The Chairman of the Federal Maritime Commission and witnesses from the private sector appeared during one day of hearings held by the Subcommittee on Merchant Marine of the committee on Merchant Marine and Fisheries. This hearing included oversight of the laws and programs affecting the Federal Maritime Commission.

(B) The requirements of section 308(a) of the Congressional Budget Act of 1974 are not applicable to this legislation since it does not provide new budget authority or new or increased tax expenditures.

(C) The Committee on Merchant Marine and Fisheries has received no report from the Committee on Government Operations of oversight findings and recommendations arrived at pursuant to clause 4(c)(2) of Rule X of the Rules of the House of Representatives.

(D) The Director of the Congressional Budget Office has furnished the Committee with estimate and comparison of costs for H.R. 840, pursuant to section 403 of the Congressional Budget Act of 1974. The submission is as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 24, 1989.

Hon. WALTER B. JONES,
Chairman, Committee on Merchant Marine and Fisheries, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the attached cost estimate for H.R. 840, a bill to authorize appropriations for fiscal year 1990 for the Federal Maritime Commission.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

ROBERT D. REISCHAUER.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: H.R. 840.

2. Bill title: A bill to authorize appropriations for fiscal year 1990 for the Federal Maritime Commission.

3. Bill status: As ordered reported by the House Committee on Merchant Marine and Fisheries, April 18, 1989.

4. Bill purpose: H.R. 840 would authorize the appropriation of $16.35 million to the Federal Maritime Commission (FMC) for fiscal year 1990. This funding level includes approximately $1.9 million for the development and implementation of the Automated Tariff Filing and Information System (ATFIS). Under the provisions of Section 2 of the bill, copies of the data base from the new system would be made available in bulk to the public on a reimbursable basis.

Fiscal year 1989 funding for the FMC is $13.585 million. President Reagan's fiscal year 1990 request was $16.35 million.

5. Estimated cost to the Federal Government:

[By fiscal year, in millions of dollars]

	1990	1991	1992	1993	1994
Authorization level	16.4				
Estimated outlays	14.0	2.4			

The costs of this bill fall within budget function 400.

Basis of Estimate

For purposes of this estimate, it is assumed that the full amounts authorized will be appropriated for fiscal year 1990. The authorization level is that specified in the bill. Outlays have been estimated on the basis of historical spending patterns.

Section 2 is expected to have no net impact on federal expenditures. Any funds spent to provide bulk copies of the ATFIS data base would be offset by appropriate fees.

6. Estimated cost to State and local governments: None.

7. Estimate comparison: None.

8. Previous CBO estimate: None.

9. Estimate prepared by: Deborah Reis (226–2860).

10. Estimate approved by: C.G. Nuckols for James L. Blum, Assistant Director for Budget Analysis.

Departmental Reports

In addition to testimony at the February 9, 1989 hearing, a Departmental Report was received from the Federal Maritime Commission, dated February 23, 1989.

Federal Maritime Commission,
Washington, DC, February 23, 1989.

Hon. Walter B. Jones,
Chairman, House Committee on Merchant Marine and Fisheries, Washington, DC.

Dear Mr. Chairman: This is in response to your request for the views of the Federal Maritime Commission on H.R. 840, a bill "to authorize appropriations for fiscal year 1990 for the Federal Maritime Commission."

H.R. 840 authorizes $16,350,000 to be appropriated for the use of the Commission for fiscal year 1990. This amount is the same as that included in the President's budget proposal. For the reasons stated in my testimony before your Subcommittee on February 9, 1989, the Commission supports H.R. 840.

Thank you again for your assistance in providing the Commission a budget for fiscal year 1990 that will enable it to meet its statutory responsibilities.

Sincerely,

Elaine L. Chao,
Chairman.

Changes in Existing Law

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, as amended, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

46 App. U.S.C. 844

§ 844. Schedule of rates; filing; posting; availability; incorporation by reference in short form documents; penalties for violations

Every common carrier by water in intercoastal commerce shall file with the Federal Maritime Commission and keep open to public inspection schedules showing all the rates, fares, and charges for or in connection with transportation between

intercoastal points on its own route; and, if a through route has been established, all the rates, fares, and charges for or in connection with transportation between intercoastal points on its own route and points on the route of any other carrier by water. The schedules filed, and kept open to public inspection as aforesaid by any such carrier shall plainly show the places between which passengers and/or freight will be carried, and shall contain the classification of freight and of passenger accommodations in force, and shall also state separately each terminal or other charge, privilege, or facility, granted or allowed, and any rules or regulations which in anywise change, affect, or determine any part of the aggregate of such aforesaid rates, fares, or charges, or the value of the service rendered to the passenger consignor, or consignee, and shall include the terms and conditions of any passenger ticket, bill of lading, contract of affreightment, or other document evidencing the transportation agreement. The terms and conditions as filed with the Federal Maritime Commission shall be framed under glass and posted in a conspicuous place on board each vessel *that carries passengers* where they may be seen by passengers and others at all times. Such carriers in establishing and fixing rates, fares, or charges may make equal rates, fares, or charges for similar service between all ports of origin and all ports of destination, and it shall be unlawful for any such carrier, either directly or indirectly, through the medium of any agreement, conference, association, understanding, or otherwise, to prevent or attempt to prevent any such carrier from extending service to any publicly owned terminal located on any improvement project authorized by the Congress at the same rates which it charges at its nearest regular port of call. Such schedules shall be plainly printed, and copies shall be kept posted in a public and conspicuous place at every wharf, dock, and office of such carrier where passengers or freight are received for transportation, in such manner that they shall be readily accessible to the public and can be conveniently inspected. In the event that any such schedule includes the terms and conditions of any passenger ticket, bill of lading, contract of affreightment or other document evidencing the transportation agreement, as herein provided, copies of such terms and conditions shall be made available to any shipper, consignee, or passenger upon request. Such terms and conditions[, if filed as permitted by this section and framed under glass and posted in a conspicuous place on board each vessel where they may be seen by passengers and others at all times,] may be incorporated by reference in a short form of same actually issued for the transportation, or in a dock receipt or other document issued in connection therewith, by notice printed on the back of each document that all parties to the contract are bound by the terms and conditions as filed with the Federal Maritime Commission and posted [on board each vessel], and when so incorporated by reference every carrier and any other person having any interest or duty in respect of such transportation shall be deemed to have such notice thereof as if all such terms and conditions had been set forth in the short form document.

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101ST CONGRESS
1st Session
HOUSE OF REPRESENTATIVES
REPORT
101-32

NOAA'S MARINE FISHERIES PROGRAM ACT AUTHORIZATIONS

APRIL 25, 1989.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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Mr. JONES of North Carolina, from the Committee on Merchant Marine and Fisheries, submitted the following

REPORT

[To accompany H.R. 1223]

[Including cost estimate of the Congressional Budget Office]

The Committee on Merchant Marine and Fisheries, to whom was referred the bill (H.R. 1223) to authorize appropriations to carry out the National Oceanic and Atmospheric Administration Marine Fisheries Program Act through fiscal year 1992, having considered the same, report favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

H.R. 1223 authorizes funding at approximately the current levels for the National Oceanic and Atmospheric Administration Marine Fisheries Program Authorization Act through fiscal year 1992. In particular, the bill contains annual authorizations of $30,000,000 for fisheries information collection and analysis, $30,000,000 for conservation and management operations, and $15,000,000 for state and industry assistance programs.

BACKGROUND AND NEED FOR LEGISLATION

The National Oceanic and Atmospheric Administration (NOAA) Marine Fisheries Program Authorization Act authorizes appropriations for the National Marine Fisheries Service (NMFS) to carry out a broad array of programs relating to information collection and analysis, fishery conservation and management, and state and industry assistance. These duties are specified under several acts (such as 16 U.S.C. 742a et seq., 16 U.S.C. 755, 16 U.S.C. 1151 et seq.,

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and 16 U.S.C. 661 et seq.) and include, but are not limited to: collection, analysis, and dissemination of scientific data for the management of marine fishery resources, marine mammals, endangered species, and their habitats; development, implementation, and enforcement of conservation and management measures for living marine resources; and financial assistance for fishing vessels and fish processing plants, market development for fishery products, and improvement of interstate fisheries management and development.

Activities authorized by this Act are separate and distinct from those authorized by other statutes such as the Magnuson Fishery Conservation and Management Act, the Marine Mammal Protection Act, the Endangered Species Act, the Anadromous Fish Conservation Act, the Commercial Fisheries Research and Development Act, and the Salmon and Steelhead Conservation Act.

Committee Action

On March 1, 1989, Representatives Studds, Jones of North Carolina, and Young of Alaska introduced H.R. 1223, authorizing appropriations for the NOAA Marine Fisheries Programs Authorization Act through fiscal year 1992. The bill was referred to the Committee on Merchant Marine and Fisheries, and on March 16, the Subcommittee on Fisheries and Wildlife Conservation and the Environment held a hearing on it. Testimony in support of the bill was received from representatives of the National Marine Fisheries Service (NMFS) of the Department of Commerce, the Atlantic States Marine Fisheries Commission (ASMFC), the Pacific Marine Fisheries Commission (PMFC), and the Sport Fishing Institute (SFI).

On April 12, 1989, the Subcommittee met to consider H.R. 1223 and ordered H.R. 1223 reported favorably to the Full Committee by unanimous voice vote.

The Committee on Merchant Marine and Fisheries considered H.R. 1223 on April 18, 1989. No amendments were offered and the Committee ordered the bill reported favorably to the House by unanimous voice vote.

Section-by-Section Analysis

Section 1 authorizes appropriations to be made under the National Oceanic and Atmospheric Administration Marine Programs Authorization Act for fiscal years 1990, 1991, and 1992.

Cost of Legislation

The provisions of clause 7 of rule XIII of the Rules of the House of Representatives do not apply where a cost estimate and comparison prepared by the Congressonal Budget Office has been completed and included in the report.

Inflationary Impact Statement

With respect to the requirements of clause 2(l)(4) of rule XI of the Rules of the House of Representatives, the Committee estimates that the enactment of H.R. 1223 will have no significant impact on inflation or the economy.

COMPLIANCE WITH CLAUSE 2(l)(3) OF RULE XI

In compliance with clause 2(l)(3) of rule XI of the Rules of the House of Representatives:

(a) The Subcommittee on Fisheries and Wildlife Conservation and the Environment held a hearing on H.R. 1223 on March 16, 1989.

(b) The Committee on Merchant Marine and Fisheries has received no report from the Committee on Government Operations pursuant to clause 4(c)(2) of rule X of the Rules of the House of Representatives, of oversight findings and recommendations on the subjects addressed by H.R. 1223.

(c) The Director of the Congressional Budget Office has furnished the Committee with a report fulfilling the requirements of section 308(a) of the Congressional Budget Act of 1974 and an estimate and comparison of cost of H.R. 1223 pursuant to section 403 of the Congressional Budget Act of 1974. The report reads as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 21, 1989.

Hon. WALTER B. JONES,
Chairman, Committee on Merchant Marine and Fisheries,
U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the attached cost estimate for H.R. 1223, a bill to authorize appropriations to carry out the National Oceanic and Atmospheric Administration Marine Fisheries Program Act through fiscal year 1992.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

ROBERT D. REISCHAUER.

CONGRESSIONAL BUDGET OFFICE—COST ESTIMATE

1. Bill number: H.R. 1223.

2. Bill title: A bill to authorize appropriations to carry out the National Oceanic and Atmospheric Administration Marine Fisheries Program Act through fiscal year 1992.

3. Bill status: As ordered reported by the House Committee on Merchant Marine and Fisheries, April 18, 1989.

4. Bill purpose: H.R. 1223 would authorize appropriations totaling $75 million annually for fiscal years 1990, 1991, and 1992 to the Department of Commerce for fisheries programs operated by the National Marine Fisheries Service. Of the total authorization, $30 million would be for fisheries information collection and analysis, $30 million would be for fisheries conservation and management operations, and $15 million would be for fisheries state and industry assistance programs.

5. Estimated cost to the Federal Government:

[By fiscal year, in millions of dollars]

	1990	1991	1992	1993	1994
Authorization level	75	75	75	.....	.....
Estimated outlays	51	70	74	24	5

The costs of this bill would be in budget function 300.

Basis of estimate: This estimate assumes that the full amounts authorized would be appropriated for each fiscal year. The estimated outlays are based on historical spending patterns.

6. Estimated cost to State and local Governments: None.

7. Estimate comparison: None.

8. Previous CBO estimate: None.

9. Estimate prepared by: Michael Sieverts.

10. Estimate approved by: C.G. Nuckols, for James L. Blum, Assistant Director for Budget Analysis.

Departmental Reports

The Committee on Merchant Marine and Fisheries has received no departmental reports on H.R. 1223.

Changes in Existing Law

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, as amended, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

P.L. 98–210, as amended

* * * * * * *

Sec. 2. (a) There are authorized to be appropriated to the Department of Commerce to enable the National Marine Fisheries Service to carry out its Fisheries Information Collection and Analysis duties under law, [$26,500,000 for fiscal year 1984, $28,000,000 for fiscal year 1985, $27,382,000 for fiscal year 1986, $28,121,314 for fiscal year 1987, $28,915,392 for fiscal year 1988, and] $29,764,234 for fiscal year 1989, *and $30,000,000 for each of the fiscal years 1990, 1991, and 1992.* These moneys shall be used to fund those duties relating to fisheries information collection and analysis specified by the Fish and Wildlife Act of 1956 (16 U.S.C. 742a et seq.), the Act of May 11, 1938 (16 U.S.C. 755), and the Fur Seal Act of 1966 (16 U.S.C. 1151 et seq.), the Act entitled, "An Act to promote the conservation of wildlife, fish, and game, and for other purposes", approved March 10, 1934 (16 U.S.C. 661 et seq.), and any other law involving such duties. These duties include, but are not limited to, collection analysis and dissemination of scientific data necessary to manage: marine fishery resources, marine mammals, endangered species, and their habitats.

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SEC. 3. (a) There are authorized to be appropriated to the Department of Commerce to enable the National Marine Fisheries Service to carry out its fisheries conservation and management operations duties under law, [$35,000,000 for fiscal year 1984, $35,000,000 for fiscal year 1985, $25,933,000 for fiscal year 1986, $26,633,191 for fiscal year 1987, $27,385,248 for fiscal year 1988, and] $28,189,171 for fiscal year 1989, *and $30,000,000 for each of the fiscal years 1990, 1991, and 1992.* These moneys shall be used to fund those duties relating to fisheries conservation and management operations specified by the Fish and Wildlife Act of 1956 (16 U.S.C. 742a et seq.), the Act of May 11, 1938 (16 U.S.C. 755), the Fur Seal Act of 1966 (16 U.S.C. 1151 et seq.), and the Act entitled, "An Act to promote the conservation of wildlife, fish, and game, and for other purposes", approved March 10, 1934 (16 U.S.C. 661 et seq.), and any other law involving such duties. These duties include, but are not limited to, development, implementation, and enforcement of conservation and management measures to achieve continued optimum use of living marine resources; including hatchery operations, fishery management plan activities, habitat conservation, and protected species management.

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SEC. 4 (a) There are authorized to be appropriated to the Department of Commerce to enable the National Marine Fisheries Service to carry out its fisheries State and industry assistance program duties under law, [$10,000,000 for fiscal year 1984, $12,000,000 for fiscal year 1985, $11,395,000 for fiscal year 1986, $11,702,665 for fiscal year 1987, $12,033,120 for fiscal year 1988, and] $12,386,365 for fiscal year 1989, *and $15,000,000 for each of the fiscal years 1990, 1991, and 1992.* These moneys shall be used to fund those duties specified by the Fish and Wildlife Act of 1956 (16 U.S.C. 742a et seq.) and any other law affecting State and industry fisheries assistance. These duties include, but are not limited to, financial assistance for fishing vessels and fish processing plants, market development for fishery products, product quality and grants to States for improving management of interstate fisheries and stimulating fishery development.

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